

ORDINANCE NO. 2022-1

**AN ORDINANCE OF THE TOWNSHIP OF
OCEAN, COUNTY OF OCEAN, STATE OF NEW
JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 410 OF THE TOWNSHIP CODE
ENTITLED "DISTRICT REGULATIONS" AND
SPECIFICALLY SECTION 31 THEREOF
ENTITLED "PLANNED RESIDENTIAL
DEVELOPMENTS"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township
Committee of the Township of Ocean, County of Ocean and State of New Jersey as
follows:

SECTION 1. Chapter 410-31 of the Township Code entitled "Planned
Residential Developments" is hereby amended and supplemented as follows:

§410-31 Planned Residential Developments.

- A. [unchanged]
- B. [unchanged]
- C. [unchanged]
 - (1) [unchanged]
 - (2) [unchanged]
 - (3) [unchanged]
 - (4) [unchanged]
 - (5) [unchanged]
 - (6) [unchanged]
 - (7) [unchanged]
 - (8) [unchanged]
 - (9) [unchanged]
 - (10) [unchanged]
 - (11) [unchanged]

- (12) [unchanged]
- (13) [unchanged]
- (14) [unchanged]
- (15) [unchanged]
- (16) [unchanged]
- (17) [unchanged]
- (18) **Generators.**

Operation of generators on residential properties shall be permissible, subject to the following provision:

(a) Definitions.

For the purposes of this chapter, the terms herein are defined as follows:

Emergency

The loss of primary power due to power outage due to a natural or man-made event beyond the control of the property owner or occupant.

For the purposes of this Chapter, a residential household's failure to pay a gas or electric bill and/or the loss of gas or electrical service shall not constitute an emergency.

Generator

Reciprocating internal combustion engine or solar device used to supply backup electric power when local utility is unavailable. This definition includes all associated equipment.

(b) Permit Required; Location for Outside Equipment.

No generator shall hereafter be permanently installed or permanently connected to service any existing residential dwelling, unless such generator meets the requirements of this chapter and a permit to do so is first

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731

obtained from the Construction/Zoning Official.

All permanently installed generators shall be located in the rear yard or the side yard of the lot unless utilities are supplied through the front of the residence. Generators permanently installed or connected in the front yard of the residence shall be screened with fencing, shrubbery or other landscaping at least four feet in height as approved by the Construction/Zoning Official.

All screening or fencing shall be placed in accordance with the generator manufacturer's recommendations, the requirements of the National Fire Protection Association and the zoning requirements of the Township of Ocean. All screening or fencing shall be maintained as originally approved. If the screening or fencing is not so maintained, any permit granted is subject to immediate revocation by the Construction/Zoning Official.

(c) Conditions for temporary placement.

Except for generators serving a public purpose and owned and operated by the Township, generators temporarily used on a residential property shall be allowed only as follows:

- (i) Only one generator with an output of not more than 24kW is allowed.
- (ii) The generator shall be positioned adjacent to the central air conditioning unit and shall extend no farther from the structure than the central air conditioning unit. If a property lacks a central air conditioning unit, the generator must meet the side yard setback requirement of 5 feet.
- (iii) The generator shall be installed and operated in accordance with the

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731

recommendation of the manufacturer and in accordance with New Jersey Department of Community Affairs regulations.

- (iv) The generator shall be used only during periods of emergency for the duration that the local utility is unavailable; for periodic testing and necessary maintenance operations; or for operation of equipment attendant to the construction or renovation of a residential dwelling.
- (v) The generator shall be exempt from the provisions of Chapter 245, Noise of the Township Code only when used for emergency purposes, testing or repairs and when outfitted with a working muffler.

(d) Conditions for permanent placement.

Except for generators serving a public purpose and owned and operated by the Township, generators permanently installed shall be allowed only as follows:

- (i) Only one generator with an output of not more than 24kW is allowed.
- (ii) The generator shall be positioned adjacent to the central air conditioning unit and shall extend no farther from the structure than the central air conditioning unit. If a property lacks a central air conditioning unit, the generator must meet the side yard setback requirement of 5 feet.
- (iii) The generator shall be installed in accordance with the most current editions of the National Fire Protection Association, the National Electric Code, the International Fire Code New Jersey Edition, the International Plumbing Code New Jersey Edition and the International Residential Code New Jersey Edition.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731

(iv) The footprint of the generator, including the pad, will not be counted as impervious coverage.

(v) The footprint, including the pad and cover, shall not exceed 15 square feet and a height of four feet.

(vi) The generator shall be used only during periods of emergency for duration that the local utility is unavailable, or for periodic testing and necessary maintenance operations.

(vii) The generator shall be exempt from the provisions of Chapter 245, Noise, of the Township Code only when used for emergency purposes, testing or repairs and when outfitted with a working muffler.

(viii) The exhaust of the generator shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.

(ix) The generator shall be operated for routine testing and maintenance purposes not more than one time any seven-day period, and no test shall exceed 30 minutes. Testing of emergency generators is permitted between the hours of 11:00 a.m. and 3:00 p.m.

(x) Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

(e) Application for Permit.

The application for the installation of a permanently installed generator in accordance herewith, on forms supplied

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731

by the Construction/Zoning Official, shall be accompanied by a drawing or survey prepared by a licensed land surveyor of the State of New Jersey, showing the property lines of the lot, the location of the building or structure, the front, side and rear yard dimensions and the proposed location, drawn to scale, of the generator.

(f) Application Fee.

Every application for installation/use of a permanently installed generator to serve a residential dwelling, building, or other structure shall be accompanied by a fee in the amount of \$50.

(g) Inspections Required.

No permanently installed generator shall be placed in operation, or routinely tested on a residential property, unless and until inspected and approved by the Construction/Zoning Official.

(h) Enforcement.

The property enforcement of the provisions of this article shall be within the jurisdiction of the Construction/Zoning Official or their designee in the Township of Ocean Police Department.

(i) Violations and Penalties.

Any person, firm, corporation or other entity who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding \$1,000.00, imprisonment up to 90 days, and each day that such violation shall continue shall be deemed a separate offense.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731

(j) Relief from Standards Imposed by Chapter.

The Zoning Board of Adjustment shall have jurisdiction to grant variances from any land use regulation set forth in this chapter in accordance with the provisions of the Municipal Land Use Law and the Code of the Township of Ocean.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take upon passages, approval and publication, as required by law.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Ocean on the 15th day of February, 2022, and will be considered for passage at a meeting of the Township Committee to be held on the 15th day of March, 2022, at 6:00 AM/PM. at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

DIANE B. AMBROSIO, RMC, Clerk
Township of Ocean

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731